

WELCOME AND OPENING ADDRESS

LT GEN (RET) V.R. MASONDO

MILITARY OMBUD, SOUTH AFRICA

ANNUAL SOUTH AFRICAN MILITARY OMBUD SYMPOSIUM

TOPIC: "STRENGTHENING TRUST AND ACCOUNTABILITY: ENHANCING COMPLAINTS RESOLUTION MECHANISMS WITHIN THE CIVIL-MILITARY RELATIONS FRAMEWORK"

30 OCTOBER 2026

VENUE: COUNCIL FOR SCIENTIFIC AND INDUSTRIAL RESEARCH (CSIR),

PRETORIA, SOUTH AFRICA

Minister of Defence and Military Veterans, Hon Angie Motshekga

Deputy Minister of Defence and Military Veterans, Major General (Retired) Bantubonke Holomisa

Deputy minister of Defence and Military Veterans, Mr Richard Mkhungo

Chairperson of the Joint Standing Committee on Defence, Mr Phiroane Phala

Chief of the South African National Defence Force, Lt Gen Rudzani Maphwanya

Public Protector South Africa, Adv Kholeka Gcaleka

Acting Deputy Military Ombud, Mr Themba Mthethwa

Chiefs of Services and Formations

Fellow Ombudsmen

Eminent panellists

Representatives from Government Institutions

Civil Society

Fellow Colleagues and staff members

Distinguished guests

Ladies and gentlemen

Introduction

Good morning, it is an honour to address and welcome you to the annual South African Military Symposium. I also wish to express my gratitude and appreciation for the past and current attendance, anticipated participation and of course the continuous support despite your busy conflicting schedules.

We convene the symposium at a critical juncture, one marked by a threat to ombudsman institutions and the erosion of democratic legitimacy across our Continent and some institutions.

While today's dialogue aspires to identify pathways to enhancing trust and accountability through the complaint's resolution mechanisms with the view to improving the civil-military relations, in the face of the local challenges and global disruptions, one instrument endures as both a compass and a catalyst, certainly that instrument is oversight. Oversight transcends eloquence, but can transform grievances into positive work relationships with others.

In retrospect, the transition from a repressive past in South Africa to the current democratic and rights-based culture ushered a new dimension and open communication within the civil-military ecosystem. In this light, the statutory creation of the Office of the Military Ombud and its oversight role cannot be ignored, but can surely be amplified to ensure administrative action pertaining to checks-and-balances in the afore-mentioned ecosystem.

Mapping the legal prescripts

One cannot simply refer to these checks-and-balances and the role of oversight without mentioning the National White Paper on Defence 1995. Accordingly, the White Paper supports the civil-military relations, with reference to the constitutional provisions on defence; transparency and freedom of information, military professionalism; civic education; the responsibilities of government towards the SANDF; and the rights and duties of military personnel.

That said, this is a massive shift from the culture of no-rights to a culture based on human dignity and different freedoms under our constitution.

There are several reasons for this shift in emphasis:

- First, accountability, responsiveness and openness in government are constitutional tenets;
- Second, the SANDF is a national institution which relies on public support and public funds to fulfil its mandate; and
- Third, the functions and orientation of the SANDF are necessarily matters of great public interest.

Therefore, oversight is always necessary in order to prevent maladministration and abuse of power because stability and development are regarded as inextricably linked and mutually reinforcing.

Security and development, therefore is an all-encompassing condition in which individual citizens live in freedom, peace and safety; participate fully in the process of governance; enjoy the protection of fundamental rights; have access to resources and the basic necessities of life; and inhabit an environment which is not detrimental to their health and well-being.

In essence, these constitutional rights indiscriminately permeate the broader society, Section 199 ensures that South Africa's security services operate under democratic control, remain politically neutral, and comply with constitutional and international legal standards.

In turn, I also submit that the power to adopt a code of conduct under section 19(3)(c) of the Defence Act implies the power and the duty to create appropriate and independent mechanisms to hold military personnel accountable to it. Therefore, while the SANDF as a structure has its own statutory regulated mechanisms to maintain discipline and good conduct on the part of its members, external supplementary oversight ensures compliance with good governance principles thereby balancing transformation with effectiveness to bolster institutional capacity.

In support of good governance, parliament statutorily established the Military Ombud's Office through the Military Ombud Act 4 of 2012 to exercise independent oversight over such conduct, not only on the behalf of individual members of the SANDF, but also on behalf of the members of the public, thus cementing a democratic social contract.

Ladies and gentlemen

I cannot address this forum without proudly mentioning my management and staff for their consistent support and dedication. They have refused to witness a burden of unresolved maladministration, silenced communities, and broken institutions.

In unison and sameness of purpose, we have lived the provisions of our legislative powers which provides that the Ombud and staff members must serve independently and impartially, must perform their functions in good faith and without fear, favour, bias or prejudice, subject to the Constitution and the law.

Together we have offered quality service standards to the complainants that delivered mutual trust and accountability, responsible stewardship of resolving complaints objectively, enduring open and frank dialogue thus leveraging the government service prescript of *The Batho Pele Principles* (Putting People First) in this ecosystem.

Complainants access, consultation, information and value

Interestingly, judging from the positive feedback and research provided by both our stakeholders and partners alike, our efforts have positively impacted the civil-military ecosystem, and we still continue to receive positive reviews. This is an encouraging trend which places the Office at the forefront of service delivery and stakeholder trust.

Progressively, in our recent internal research survey, a confidence rating of 'generally high' suggests that there are pockets of distrust or discontent. And there is at least some evidence from our Outreach and Awareness Education Programme that much is achieved, but more needs to be done in enhancing stakeholder confidence and trust.

In addition, to have a further scientific traction of the stakeholder perception and improve access and consultation to our service, we have recently commissioned a longitudinal Awareness and Perception Stakeholder Survey through Stellenbosch University to gauge the skills, knowledge, values and attitudes. The final report provided balanced feedback about our evident service excellence and imminent operational gaps.

Most importantly, the lessons learnt from these inclusive surveys point to the fact that psychological safety and accountability must rise together. And one must emphasise that in the civil-military ecosystem, where complaints are often a consequence of silence, ambiguity, or historical exclusion, oversight must be recast not as an ornament, but a praxis.

Framing statement: importance of complaints resolution

The importance of complaints within this ecosystem cannot be underscored due to their multifaceted nature due to the shifting geopolitics, democratic backsliding, evolving human resources functions and rapid technological evolution, therefore accountability and inclusivity become more essential than ever.

Consequently, when norms and values are supported by external oversight in the civil-military ecosystem, our armed forces institutions will then be resilient and accountable. Armed forces that are supported by proper oversight grounded in good governance, trust and integrity are bound to be credible and in turn will then leverage a seamless peace and respect for their civilian citizens, hence inclusion becomes a foundation for sustainable civil-military ecosystem.

Often, complaints arise due to mere misunderstandings, unattended lodging of grievances, failing grievance systems, negligence, covert or overt maladministration or perceived injustices. Addressing and mediating these challenges adequately and professionally helps to build trust between civilians and military personnel. Inadvertently, the collapse of trust occurs when policy or constitutional safeguards are bypassed under poor governance.

In essence, complaints lodging and resolution is either way a people-centric process, therefore expeditious resolution helped prevent tensions from escalating and therefore insulate democratic governance which may provide an opportunity for legal redress, and a grand view for possibility of reforms and better training to improve the *status quo.* We affirm that people-centred governance remains essential for restoring the dignity, rights and safety of the complainants in the civil-military ecosystem as well.

Ladies and gentlemen

Internal Office complaints resolution mechanisms

I stand here with immense pride today that my Office has upheld the afore-mentioned values and *modus operandi* as articulated. We consistently, objectively and meticulously arrived at our findings with pride. We have put robust internal quality assurance and legal oversight mechanisms in place. These mechanisms always lead to credible recommendations which are ultimately accepted by the Minister for implementation by the ministry of defence and all stakeholders alike.

It is not lost in me that the Office continue to be a force multiplier, rather than an antagonistic administrative force, working together objectively with the channels of command to professionalise our defence force. Inadvertently, with this approach trust became foundational through principled leadership and accountability.

Of most importance, the office's complaint-based recommendations not only dealt with complaint specific issues, but also ensured that the underlying systemic causes are addressed thereby ensuring that indeed policies reflect national interest rather than parochial agendas. This intervention also serves as an Early Warning Mechanism to the broader defence force thereby assisting to effect mitigation and preventative strategies to avoid recurrence of maladministration and insulate the defence integrity and credibility.

Ladies and gentlemen

I opine that the pursuit of justice is a normative concept in the mind of every person who feels that he or she has been wronged. But the application of that normative concept will vary according to individual notions of morality, culture and including attitudes to concepts of retribution and forgiveness.

By way of illustration, public commentary on oversight in our country provokes wide ranging views on what constitutes justice for the victims of maladministration. A system of justice therefore becomes an institution for the redress of grievances. It can only command the respect of a society's members if they trust that it is an impartial, equal, transparent and principled system that gives effect to the rule of law.

In the main, we have also succeeded to provide access to administrative justice by ensuring that both aggrieved parties to a complaint are given a fair chance to address their dissatisfaction, thus protecting institutional threats to impartiality and insulating institutional image of being an independent and impartial watchdog. By holding our stakeholders accountable and ensuring a good governed defence force, I am confident that we have leveraged The Agenda 2030 for Sustainable Development Goal 16 of promoting peaceful and inclusive societies for sustainable development, provision of access to justice for all and building effective, accountable and inclusive institutions at all levels.

That said, in order for oversight to remain appropriate and sufficient to maintain public confidence in the administration of justice, we ensured that our processes are underpinned by appropriate legal procedures and the right inherent institutional structures to safeguard complainants' dignity and confidentiality.

Ladies and gentlemen

The importance of international collaboration and impartiality

Any watchdog institution that pursues partial oversight will suffer the entrapment of not being objective and impartial, and running the risk of being stagnant. In this case one cannot underestimate the power of bilateral networks and multilateral organisations through local, regional and international collaboration for sharing best practices and lessons learnt.

In this case, I wish to convey my deepest gratitude to institutions such as the African Ombudsman Mediators Association (AOMA), Geneva Centre for Security Sector Governance (DCAF), Stellenbosch University, Bridgette Mabandla Justice College and all Ombudsman institutions, fellow ombudsman for the shared wisdom in assisting the office to bolster its resolution mechanisms, training and development and as such maintain an instrumental value, that instrumental value is impartiality.

We can therefore proudly attest that impartiality improved the quality of decision-making, promoting accuracy of fact-finding and the rule of law. In addition, our impartial approach assisted in securing the confidence and cooperation of individuals affected, promoting merit-based investigations, and therefore reducing litigation for the defence force and enforcement cost whilst allowing the system we oversee to function effectively and cost-effectively.

The risk of undermining impartiality

From our experiences and interaction with stakeholders, impartiality is also seen as crucial to maintaining public confidence, institutional legitimacy and authority of the law. If the Office's authority is undermined by a reputation for a lack of impartiality, there is the risk that the system will not be respected and its recommendations will not be followed, damaging both the dispute resolution and social governance aspects of its function. Impartiality is now broadly accepted as a foundational norm in any legal system aspiring to conform to the rule of law as a fundamental principle.

Against this background, we have also ensured that the relations between the complainants, stakeholders and the Office is courteous because the work of the office requires a level of collegiality for the efficient discharge of its work, thereby moving from commitment to inclusive practise by consistently reaching out to our stakeholders.

Legislative review

Equally important in these operational gaps, is the fact that the civil-military ecosystem is evolving and therefore necessity directed us to undertake legislative review for the sake of institutional transformation and relevancy in the pursuit of accountability and trust for the advancement of administrative justice. For example, the inclusive of own-motion investigations, amongst others, has become essential and must be integrated in the review.

I am extremely grateful that the legislative review exercise is at an advanced drafting stage and ready for submission to the Minister as this will assist in addressing internal legal operational gaps and improve the *modus operandi* of the Office for maximal oversight.

I also encourage you to remember that there will be legitimate differences of opinion when you start to debate questions such as "what is administrative justice". There is no one approach, no "right-thinking" view, but the central thrust in the review process is the respect for human rights and fundamental freedoms with reference to the Universal Declaration of Human Rights, the African Charter on Human and People's Rights and injunctions of the Paris Principles.

Programme Director

Ensuring fairness in a lawful manner

I have deliberately and extensively dwelt on the concepts of justice, administrative justice and impartiality to briefly demonstrate how the lack or diluted approach can adversely impact strengthening trust and accountability in the complaints' resolution ecosystem.

We have also ensured fairness by ensuring that every decision made by those we oversee is lawful, reasonable and procedurally fair, governed the quality of public decisions and ensured the governance and the right of access to information in line with Promotion of Administrative Justice Act of 2002 (PAJA) and Promotion of Access to Information Act 2000 (PAIA) to promote transparency and accountability respectively.

Considerably, we remained steadfast that all persons and authorities within the state, whether public or private, should be bound by and entitled to the benefit of laws publicly, prospectively promulgated and publicly administered in the courts.

Building on this, healthy democratic governance relies on the principles of transparency, fairness and accountability, and nowhere is this more evident than in the mechanisms through which our complaints and grievances are received, assessed, and expeditiously resolved, allowing us to centre the link between security sector governance and human rights within the civil-military interface and ecosystem.

Our national security depends on ensuring the fair treatment of our military members and their families. The department and the Office have made improvements, however, more needs to be done, especially on the civilian side and gender-centric discourse within the defence as well.

We also reaffirm the rights and duties of military personnel. In line with the concept of *citizens-in-uniform* that members of the SANDF are citizens and therefore enjoy the same fundamental rights as civilians. Certain exceptions to this principle will be necessary because of the unique nature of armed forces and military service. The exceptions will be limited and specific, and will be covered in defence legislation.

These exceptions will also be subject to the constitutional provisions on limitation of fundamental rights. Such limitations are only permissible if they are reasonable, justifiable in an open and democratic society, and do not negate the essential content of the right or rights in question.

Office performance, dialogue and trust

It is worth stating that we continue to exceed the set target annually and we enjoy acceptable success rate and further action our credible recommendations to those that we oversee to correct unfairness, recognize and admit error and correct it.

In addition, we have made multiple recommendations on how we can continuously improve the Defence community. Our conflict resolution intervention through Alternative Dispute Resolution (ADR) have also assisted the case count during the process of resolving complaints at the lowest possible level to inculcate trust and accountability in those we oversee.

We still continue to receive increasing numbers of complaints, as will be highlighted later in the programme through the performance overview, from current and former members of the defence force and the public against the official conduct of the SANDF.

Meanwhile, it is only when dialogue initiatives significantly influence civil-military relations by fostering mutual understanding and trust. It is only when civilian leaders and military personnel engage openly, identify gaps and chart the way forward, that better alignment of objectives and expectations, reducing misunderstandings can to lead to a more ethical leadership, professional integrity, collaborative policymaking and operational cooperation.

Considerably, I have faith that this ethical work and yardstick will be amplified even further in the near future.

Acknowledgements

Ladies and gentlemen

This signals my last address and the beginning of my retirement from the Office. As such I wish to convey my special thanks to:

- The Minister and her Office, for the unwavering support to the Office;
- The Chair and Joint Standing Committee on Defence: for constructive criticisms and credible advices;
- C SANDF: for tirelessly assisting where it mattered most and sometimes responding at short notice;
- Chiefs of Services and the channel of command: for frank co-operation and collaboration;
- The Public Protector South Africa: for endless support and collaboration;
- The Public Protector Zambia: for sharing institutional and regional wisdom;
- The Geneva Centre for Security Sector Governance (DCAF): for consistently capacitating the Office and sharing best practices and lessons learnt; and

- The Brigette Mabandla Justice College: for institutional collaborative training and capacitation;
- I also wish to convey my deepest gratitude for your attendance and support of our initiatives.

The list is endless.

Call to Reflection and Action

Let us then take this symposium as a dialogue initiative to reflect critically, act decisively, consider how each complaint, communication and resolution contributes to the fortification of civil-military trust and accountability ecosystem. It is then no coincidence that we have in our midst the beautiful minds of panellists on the programme this morning.

One will now descend the podium with the following strategic questions:

- What is the importance of complaints resolution within the accountability ecosystem?
- How is the framing of civil-military framework as an accountability ecosystem?
- Why is there a need for the security sector governance-democratic nexus?
- How to gravitate towards the sustainable complaint's resolution within the accountability ecosystem?

I shall leave the answers and solutions to our eminent moderator and panellists.

May this symposium be productive, insightful, and transformative.

I therefore declare the symposium officially open.

I thank you very much

-ENDS